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99TH CONGRESS
2d Session

SENATE

REPORT
99-297

FAMILY PLANNING AMENDMENTS OF 1986

MAY 13, 1986 (legislative day, MAY 12), 1986.—Ordered to be printed

Mr. HATCH, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 881]

The Committee on Labor and Human Resources, to which was referred the bill (S. 881) to extend title X of the Public Health Service Act for 4 years, and for other purposes, having considered the same, reports favorably thereon with amendments, and an amendment to the title, and recommends that the bill as amended do pass.

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I. Summary of the Bill

PROJECT GRANTS AND CONTRACTS/ADOPTION SERVICES

S. 881 amends the existing authority of the Public Health Service act to extend Title X for four years. the bill authorizes the Secretary of Health and Human services to make grants and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects. A broad range of family planning methods and services shall be offered, including natural family planning methods, infertility services, and services for adolescents. Such projects may also offer adoption services in addition to the above services. The bill provides authorization of appropriations for family planning grants and contracts; $138,800,000 for fiscal year 1986, $145,700,000 fiscal year 1987, $153,000,000 for fiscal year 1988, and $160,650,000 for fiscal year 1989.

TRAINING

S. 881 authorizes the Secretary of Health and Human Services to make grants and enter into contracts to provide clinical training for obstetric-gynecologic nurse practitioners, counselors, and personnel, to carry out the family planning services programs. The bill provides authorization for appropriations for such training; $3,200,000 for fiscal year 1986, $3,400,000 for fiscal year 1987, $3,600,000 for fiscal year 1988, and $3,800,000 for fiscal year 1989.

RESEARCH

S. 881 provides that the Secretary may conduct, or have conducted, projects for research in the biomedical, contraceptive development, behavioral, and program implementation evaluation fields related to family planning and population, and research to improve the clinical management and direct delivery of family planning services.

INFORMATION AND EDUCATION

S. 881 also provides that the Secretary may make available information and education to enable persons to make responsible choices concerning human sexuality, pregnancy, and parenthood. The bill provides authorization for appropriations for such information and education; $500,000 for fiscal year 1987, $600,000 for fiscal year 1988, and 4600,000 for fiscal year 1989.

RESEARCH PROJECT

The bill establishes provisions for a research project to be conducted in a single state selected by the Secretary of Health and Human Services. The purpose of the research project will be to determine the impact of family planning services in a single state that prohibits, by state statute, the use of public funds for services to an unmarried minor without prior written consent of the minor's parent or guardian. The Secretary may make grants to or enter into contracts with public agencies in a state for the provision of family planning services, to be carried out in accordance

with existing state statute. That application must contain assurances that: The described State Statute was enacted prior to April 1, 1981; that the statute shall not be applied to family planning services provided by private agencies during the fiscal year for which application is submitted; if a public agency of the State makes a grant to or enters into a contract with a private agency for the provision of family planning services; and such grant or contract is funded in whole or in part from amounts received by that agency under this title, the State shall ensure that such private agency meets the requirements for eligibility for assistance under this title as the Secretary may prescribe for all private agencies assisted under this title; Federal funds made available under this title to public agencies in the State will be used to supplement and increase the level a public funds expended for family planning services, and will in no case be used to supplant such public funds; and, the State shall submit to the Secretary annual reports in such form as the Secretary shall require in order to assess the effectiveness of the financial assistance under this title provided within that State.

The bill provides that within three years after the date of enactment, the Comptroller General of the United States shall report to Congress and evaluate written consent of the parent or guardian or an unmarried minor for family planning services, on the rate of unintended adolescent pregnancies in the State in which the research project is conducted. The report will also compare the rate of unintended adolescent pregnancies in that State with the rate of such pregnancies in other States.

S. 881 provides authorization for appropriations of $600,000 for each of fiscals years 1986, 1987, 1988, and 1989 to carry out the research project.

DATA COLLECTION

The bill provides for data collection concerning (1) the number of individuals who receive family planning services from entities that receive grants or contracts, and the age, gender, race, and family income of such individuals, and (2) the types of family planning services chosen by people who receive services from entities which receive grants or contracts. The data shall be collected on a biannual basis concerning the number of low income individuals, including emancipated minors, at risk of unintended pregnancies and the sources of public and private funding for family planning services in the United States. The Secretary may make grants to public and nonprofit private entities, and enter in contracts with public and private entities and individuals for the collection of data. The Secretary shall make available to the public information collected under this section.

II. Background and Need for Legislation

Title X of the Public Health Service Act authorizes project grants for voluntary family planning services, supports research to improve services delivery, provides grants to train family planning personnel, and makes available family planning information and education.

The agency within the Department of Health and Human Services (HHS) responsible for the Title X program is the Office of Family Planning (OFP), which resides in the Office of the Deputy Assistant Secretary for Population Affairs (OPA) of the Public Health Service (PHS). The authority for reviewing, awarding, and monitoring the family planning service grants has been delegated to the PHS regional offices. The grant and contract activities related to research, training, and information and education are administered by the OFP.

In fiscal year 1985, according to the OFP, $136.9 million in service grants funded 89 grantees who provided services at over 4,500 clinic sites. Title X funding for other program activities administered by OFP came to $5.6 million. Services grantees included 31 States and territories in which the State Health Department was the sole Title X grantee. In 11 other States, the State agency was one of several grantees.

According to the OFP, 3.9 million women received services in calendar year 1984.

Title X provides for the delivery of family planning services. PHS regional offices awards grants to public and private non-profit entities to establish and operate voluntary family planning projects. Projects are required to provide a broad range of acceptable and effective methods and services to all persons desiring such services—including natural family planning methods, non-directive counseling services, physical examinations (including cancer detection and laboratory tests), infertility services, pregnancy tests, contraceptive supplies, periodic follow-up examinations, referral to and from other social and medical service agencies, and ancillary services.

Since the enactment of the Family Planning Services and Population Research Act of 1970 (P.L. 91–572), which established Title X of the Public Health Service Act, Congress has added the requirement that projects must provide for services for adolescents natural family planning services and infertility services. Congress also required family planning projects to encourage family participation in these projects to the extent that it is practicable. Projects must give priority to furnishing family planning services to persons from low-income families. Since the beginning of the program, use of Title X funds for abortion as a method of family planning has been prohibited by statute and regulation.

Title X supports research activities to improve the delivery of family planning services. Grant and contract awards are made for research focusing on topics to help service providers deliver services more effectively and efficiently. To insure that results are available to the public, grantees are required to deposit their data in a public use data archive.

Title X provides funding for training clinic personnel and nurse practitioners to carry out family planning services. General training consists of ten training grants, one in each of the HHS regions. Topics for the training programs include family involvement, program management, clinic management, counseling and client education, infertility, and natural family planning. The nurse practitioner training program is composed of five grants to train nurse practitioners who staff Title X-funded clinics.

Title X provides funds to public or private organizations to assist in developing and disseminating family planning population growth information and educational materials. Activities include the operation of the National Clearinghouse for Family Planning Information, and the development of materials that can be used to help parents communicate with their children and assist in making responsible choices concerning sexuality, pregnancy and parenthood.

The Family Planning Services and Population Research Act of 1970 (P.L. 91-572) established Title X of the Public Health Service Act, which provided for population research and voluntary family planning programs. The Act authorized, through 1973, Title X funding for project grants and contracts for family planning services (Section 1001), training (Section 1003), research (Section 1004), and informational and educational materials (Section 1005). Formula grants to States for family planning services were also authorized by P.L. 91-572 (Section 1002), but funds for these grants were never appropriated by Congress.

The Act required Title X projects to give priority to furnishing family planning services to persons from low-income families. P.L. 91-572 added a requirement which prohibited these projects from charging these recipients for services, except to the extent that the charges would be paid by a third-party insurer (Section 1006). Another P.L. 91-572 provision required the acceptance of any Title X service or information to be voluntary, and prohibited the acceptance of such services from being a prerequisite for receiving services from any other program (Section 1007). The Act prohibited Title X funds for abortion as a method of family planning (Section 1008).

In addition to establishing Title X, P.L. 91-572 also created the Office of Population Affairs to coordinate the Department of Health, Education, and Welfare's (HEW) population research and family planning activities.

The Health Programs Extension Act of 1973 (P.L. 93-45) extended the Title X program through fiscal year 1974.

The Family Planning and Population Research Act of 1975 (Title II of P.L. 94-63) extended the Title X program through fiscal year 1977. P.L. 94-63 also specified that Title X research funds—rather than other Public Health Service Act funds—were to be an important source of funds used for Federal research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. The Act required family planning projects to offer "a broad range of acceptable and effective family planning methods (including natural family planning methods)." The law assured the right of "local and regional entities" to apply for direct grants and contracts for family planning services. P.L. 94-63 amended the definition of "low-income family" in the payments section of Title X. The legislation added penalties for government or project personnel who attempt to coerce any person to undergo an abortion or sterilization procedure.

The Health Services Extension Act of 1977 (Title III of P.L. 95-83) extended the Title X authorization through fiscal year 1978. P.L. 95-83 also specified that the limitations P.L. 94-63 placed on

the source of funds for family planning and population research also applied to the research's administrative costs.

P.L. 95-613 extended the Title X authority through fiscal year 1981 and added a number of new requirements. Family planning projects were previously required, by P.L. 94-63, to include natural family planning methods among their offered methods. P.L. 95-613 further required the offered family planning methods and services to include infertility services and services for adolescents. The legislation also required informational or educational materials developed or made available under Title X to be suitable for the purposes of Title X and for the population or community to which they are to be made available, taking into account the educational and cultural background of the audience and the standards of the population or community.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, known as OBRA) extended the Title X program through fiscal year 1984. OBRA also required family planning projects to encourage, to the extent practicable, family participation in these projects. OBRA eliminated specific Title X spending authorization levels for family planning and population research, but left intact the Secretary's authority to conduct and to make grants and contracts for such research.

P.L. 98-512 extended the Title X program through fiscal year 1985.

A series of continuing resolutions extended funding for Title X programs through fiscal year 1986. P.L. 99-103 continued funding through November 14, 1985; P.L. 99-154 continued funding through December 12, 1985; P.L. 99-179 continued funding through December 17, 1985; P.L. 99-184 continued funding through December 18, 1985; and P.L. 99-190 continued funding through the remainder of fiscal year 1986.

Current law provides for the funding of the Title X Voluntary Family Planning Program through fiscal year 1986.

FUNDING LEVELS

TITLE X—PUBLIC HEALTH SERVICE ACT AUTHORIZATIONS AND APPROPRIATIONS

[Dollars in millions]

Fiscal year	Authorization	Appropriation
1971	30.0	6.0
1972	60.0	61.8
1973	111.5	100.6
1974	111.5	100.6
1975	111.5	100.6
1976	115.0	100.6
1977	115.0	113.6
1978	136.4	135.0
1979	200.0	135.0
1980	230.0	162.0
1981	264.5	161.0
1982	126.5	124.2
1983	139.2	124.0
1984	150.0	140.0
1985	158.4	142.5

Source: Office of Family Planning.

Currently law requires family planning projects to provide a broad range of acceptable and effective family planning methods and services, including infertility services and pregnancy counseling. Although adoption may be one of the options which infertile couples seek, or women seek following a position pregnancy test, the law does not mandate that Title X services include a wide range of adoption services.

Program guidelines for family planning project grants currently require grantees to provide at least the following infertility services: an initial infertility interview, education, examination, appropriate laboratory testing (hemoglobin or hematocrit, pap smear, and culture for gonorrhea), counseling, and appropriate referral.

III. History of the Legislation

A bill, S. 881 to extend title X of the Public Health Services Act relating to the provision of family planning services, was introduced by Senator Kennedy on April 3, 1985, and was referred to the Senate Committee on Labor and Human Resources. The bill was ordered to be reported with amendments on December 11, 1985.

IV. Text of Bill as Reported

A BILL To extend Title X of the Public Health Service Act for 3 years

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Planning Amendents of 1986".

REFERENCE

SEC. 2. Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PROJECT GRANTS AND CONTRACTS

SEC. 3. Section 1001 is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) for grants and contracts under this section, there are authorized to be appropriated $138,800,000 for fiscal year 1986, $145,700,000 for fiscal year 1987, $153,000,000 for fiscal year 1988, and $160,650,000 for fiscal year 1989.

"(d) In any fiscal year, the total amount of grants made and contracts entered into by the Secretary under this section to private entities in the State in which the research project is conducted under section 1010 shall not be less than the total amount of grants made and contracts entered into under section 1010 to public entities in such State.".

TRAINING

SEC. 4. Section 1103 is amended to read as follows:

"TRAINING GRANTS AND CONTRACTS

"SEC. 1103. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training for personnel to carry out the family planning services programs described in section 1001 and the research programs described in section 1004.

"(b) For grants and contracts under this section, there are authorized to be appropriated $3,200,000 for fiscal year 1986, $3,400,000 for fiscal year 1987, $3,600,000 for fiscal year 1988, and $3,800,000 for fiscal year 1989.".

RESEARCH

SEC. 5. Section 1004 is amended to read as follows:

"RESEARCH

"SEC. 1004. The Secretary may conduct, and make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for the conduct of—

"(1) research in the biomedical fields, contraceptive development and evaluation fields, behavioral fields, and program implementation fields related to family planning and population; and

"(2) research to improve the clinical management and direct delivery of family planning services.".

INFORMATION AND EDUCATION

SEC. 6. Section 1005 is amended to read as follows:

"INFORMATION AND EDUCATION

"SEC. 1005. (a) The Secretary may make grants to public and nonprofit private entities and enter into contacts with public and private entities to assist in making available information and education to enable persons to make responsible choices concerning human sexuality, pregnancy, and parenthood. Such information and education shall—

"(1) be made available to all persons desiring such information and education either through appropriate community organizations or through facilities at the Department of Health and Human Services, with special emphasis on the provision of such information and education to adolescents and parents; and

"(2) include information about the availability of family planning methods and services.

"(b) For grants and contracts under this section, there are authorized to be appropriated $500,000 for fiscal year 1986, $500,000 for fiscal year 1987, $600,000 for fiscal year 1988, and $600,000 for fiscal year 1989.".

RESEARCH PROJECT

SEC. 7. Title X is amended by adding at the end thereof the following new section:

"RESEARCH PROJECT

"SEC. 1010. (a) For the purpose of determining the impact of family planning services in a State that has in effect a statute prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the minor's parent or guardian, the Secretary may select a single State in which to establish a research project meeting the requirements of subsection (b).

"(b)(1) Notwithstanding any provision of this title, the Secretary may, for any fiscal year, make grants to or enter into contracts with public agencies in a State described in subsection (a) for the provision of family planning services. Activities conducted by public agencies in the State under such grants and contracts shall be carried out in accordance with the State statute described in subsection (a).

"(2) A public agency in a State described in subsection (d) which desires to receive a grant or contract under this section shall submit an application to the Secretary in accordance with such requirements as the Secretary may prescribe. Such application shall contain assurances satisfactory to the Secretary that—

"(A) prior to April 1, 1981, there was enacted in the State a statute described in subsection (a);

"(B) for the fiscal year for which the application is submitted, such statute will not be applied to family planning services provided by private agencies;

"(C) if a public agency of the State makes a grant to, or enters into a contract with, a private agency for the provision of family planning services, and such grant or contract is funded in whole or in part from amounts received by that agency under this title, the State shall ensure that such private agency meets the same requirements for eligibility for assistance under this title as the Secretary may prescribe for all private agencies assisted under this title;

"(D) Federal funds made available under this title to public agencies in the State will be used to supplement and increase the level of public funds expended for family planning services within the State, and will in no case be used to supplant such public funds; and

"(E) the State shall submit to the Secretary annual reports in such form as the Secretary shall require in

order to assess the effectiveness of the financial assistance under this title provided within that State.

"(C) In order to receive a grant or contract under this section, a public entity in a State, and the State, shall comply with all requirements of this title, except as provided in subsections (a) and (b).

"(d) This section does not authorize the Secretary to, under this title, make grants to, or enter into contracts with, a private entity in the State in which the research project under this section is conducted, unless that private entity complies with the requirements established under this title for private entities outside of that State which apply for grants and contracts under this title.

"(e)(1) Within three years after the date of enactment of this section, the Comptroller General of the United States shall prepare and transmit to the Congress a report which—

"(A) evaluates the effect, on the reduction of the rate of unintended adolescent pregnancies in the State in which the research project is conducted under this section, of requiring the parent or guardian of an unmarried minor to give written consent prior to the provision of family planning services to such minor; and

"(B) compares the rate of unintended adolescent pregnancies in that State with rates of such pregnancies in other States.

"(2) The Secretary, in consultation with the Comptroller General of the United States, shall provide for the collection of data to assist the Comptroller General in preparing the report required under this subsection.

"(f) To carry out this section, there are authorized to be appropriated $600,000 for each of fiscal years 1986, 1987, 1988, and 1989.".

DATA COLLECTION

SEC. 8. Title X (as amended by section 7 of this Act) is further amended by adding at the end thereof the following new section:

"DATA COLLECTION

SEC. 1011. (a) The Secretary shall collect on an annual basis data concerning—

"(1) the number of individuals who receive family planning services from entities that receive grants and contracts under section 1001 and 1010 and the age, gender, race, and family income of such individuals; and

"(2) the types of family planning services chosen by people who receive services from entities which re-

ceive grants and contracts under section 1001 and 1010.

"(b) The Secretary shall collect on a biannual basis data concerning—

"(1) the number of low-income individuals, including unemancipated minors, at risk of unintended pregnancies; and

"(2) the sources of public and private funding for family planning services in the United States.

"(c) The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of data under this section. The Secretary shall make available to the public information collected under this section.".

ADOPTION SERVICES

SEC. 9. Section 1001(a) is amended by inserting after the first sentence the following new sentences: "Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin.".

Amend the title so as to read:

A bill to extend title X of the Public Health Service Act for 4 years, and for other purposes.

V. COMMITTEE VIEWS

This legislation extends and revises the authorization of federal funding for various family planning programs under Title X of Public Health Service Act. The Committee supports continued funding for family planning services targeted primarily to low-income women. S. 881 authorizes $138,800,000 for fiscal year 1986, $145,700,000 for fiscal year 1987, $153,000,000 for fiscal year 1988 and $160,650,000 for fiscal year 1989.

The Committee reaffirms its commitment to ensuring that family planning services are to be made available to low-income persons and directs the Department of Health and Human Services to continue targeting services for low-income persons and to encourage the collection of fees from persons who are above low-income. While the Committee encourages the collection of fees from persons who are above low-income, the Committee intends that those of marginal income, and adolescents who may not have access to family resources, shall continue to have access to family planning services.

TRAINING

The Committee continues to support training for the providers of family planning services. The Committee has amended current law to specify that Title X funds be used for clinical training for family planning personnel while allowing for continuation of training for obstetric-gynecological nurse practitioners. The Committee recognizes the increasing role of ob-gyn nurse practitioners in the deliv-

ery of family planning services and support their receipt of continued supplemental training available through this program.

The Committee has also made specific reference to the eligibility of family planning counselors and educators for participation in training programs. The Committee supports the continuation of training grants to these individuals to enhance the delivery of services offered by family planning clinics.

RESEARCH

The Committee supports continuation of biomedical family planning research, contraceptive development research, behavioral research and program implementation related to family planning. In addition, the legislation authorizes research in improving the clinical management and direct delivery of family planning services.

Under current Title X law, funds may be available for contraceptive research and evaluation. The Committee notes, however, that primary contraceptive research is being conducted through the National Institutes of Health. The Committee expresses the hope that the National Institute of Child Health and Human Development (NICHD) will continue to search for potential new contraceptives in its continuing effort to develop an array of safe and effective contraceptives. In order for a greater emphasis on contraceptive research and evaluation through the Title X program as administered by the Office of Population Affairs, the Committee recognizes that additional appropriations are necessary.

INFORMATION AND EDUCATION

The Committee supports increased outreach efforts to targeted individuals (as defined under this authority) to inform them of the availability of a variety of services provided by Title X programs. The Committee, therefore, reauthorized the information and education authority. The Committee supports information and education materials which will assist individuals in making responsible choices concerning human sexuality, pregnancy and parenthood. In order for those materials to meet the purposes of Title X, the Committee believes that information about a broad range of acceptable and effective family planning methods must be included. The Committee supports the dissemination of those materials in accordance with local standards through community organizations or through facilities of the Department of Health and Human Services. While the federal clearinghouse is not mandated through this authority, the Department of Health and Human Services may continue its support of a clearinghouse if it is necessary for the prompt dissemination of these materials.

RESEARCH PROJECT

The Committee supports a new provision authorizing the Secretary of Health and Human Services to make a demonstration grant to a single state agency for the provision of family planning services to minors. The Committee intends that these funds shall be made available in order to study the effectiveness of the state requirement in reducing unwanted teenage pregnancies.

The legislation makes statutory requirements that this grant can only go to one state, if that state has enacted a statute prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the minor's parent or guardian. The state law must have been enacted prior to April 1, 1981. The Committee is aware that Utah is the only state meeting this requirement. The Committee does not intend by enacting this new authority that other states conform their laws or change their laws in order to qualify for this new research demonstration program.

In addition, the Committee intends that guidelines be developed expeditiously in compliance with this new authority in order that funds can be disbursed promptly.

The legislation provides additional authorization of appropriations of $600,000 for fiscal years 1986–89. The funds made available to the state agency shall not exceed the amount of money available to private entities in that state for family planning services under section 1001.

DATA COLLECTION

The legislation provides language requiring the Secretary of Health and Human Services to collect valuable family planning information. The Committee believes that data collection on family planning is necessary and important in analyzing the goals and objectives of the Title X program. Under this new section, the Secretary is required to collect, on an annual basis, data concerning: 1) the number of individuals, (including informaton on their age, sex, race and family income) who receive Title X services; and 2) the type of services chosen. The Secretary shall collect, on a biannual basis, data on: 1) the number of low-income individuals, including unmarried minors, at risk of unintended pregnancy; and 2) the sources of public and private funding for family planning services in the United States. The Committee views these statistics as a minimum requirement and the Secretary may collect any additional information as determined necessary.

ADOPTION SERVICES

The legislation contains a new provision which permits Title X projects to offer adoption services. The provision does not require that family planning projects offer adoption services; projects may determine whether they wish to offer adoption services in addition to the counseling, and referral upon request, which are included in the existing Title X guidelines. The Committee does not intend any changes in the general mission of the Title X law or projects, nor any dimunition of federal support for grantees or projects not electing to expand their services.

The definition of adoption "services" is vague to allow flexibility in services family planning providers may offer. Examples of services include, but are not limited to, adoption education programs, training, counseling, referral and placement services. The Committee does not intend the use of subcontracting for these services. During Senate Committee on Labor and Human Resources deliberation over this amendment a reference wa made to the Family

Health Council of Western Pennsylvania as an example of a program which provides adoption services. Secondly, it is the intention of the Committee that when "adoption services" includes placement services, as in the Family Health Council example, those placement services are offered only by a project which has obtained a child placement license. The Committee does not intend to authorize the expenditure of Title X funds for placement services except when such placement services are offered by a Title X project which is also a licensed child placing agency. Where state adoption licensing requirements do not exist, such services must be provided in compliance with state laws regarding adoption services.

The legislation also provides that services offered are to be nondiscriminatory as to race, color, religion, or national origin. This amendment is not intended to affect the applicability of any existing federal provision intended to prevent discrimination on the basis of these or other factors. The language is not intended to prohibit agencies from taking into account all relevant factors in deciding to place a child in a setting which is in the child's best interest. However, adoption services should not be denied nor significantly delayed on the basis of factors specified. This amendment is not intended to prevent discrimination on the basis of these other factors.

For the purposes of this new provision, projects are defined as delegate agencies or service sites.

VI. Votes in Committee

S. 881 was brought up for markup at the Labor and Human Resources Committee Executive Session on December 11, 1985. At that time, a substitute to S. 881 was offered. In addition, Senator Grassley offered an amendment to allow title X grant recipients to provide adoption services. Senator Metzenbaum offered a perfecting amendment to require that any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin. The tabulated votes on this amendment passed 10–6 by the following vote:

FOR	OPPOSED
Hatch	Kennedy
Stafford	Kerry
Weicker	Matsunaga
Hawkins	Dodd
Grassley	Simon
Wallop	Pell
Thurmond	
Nickels	
Metzenbaum	

Following the adoption of the Grassley/Metzenbaum amendment, S. 881 as amended was favorably reported.

VII. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, January 29, 1986.

Hon. Orrin G. Hatch,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 881, the Family Planning Amendments of 1986, as ordered reported by the Senate Committee on Labor and Human Resources on November 19, 1985.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 881.
2. Bill title: Family Planning Amendments of 1986.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on November 19, 1985.
4. Bill purpose: To extend Title X of the Public Health Service Act for four years, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

Estimated authorization level	1986	1987	1988	1989	1990
Project grants	138.8	145.7	153.0	160.7	.....
Training	3.2	3.4	3.6	3.8	.....
Information and education	.5	.5	.6	.6	.....
Research project	.6	.6	.6	.6	.....
Data collection	.7	1.0	.3	.3	.3
Total estimated authorization level	143.8	151.2	158.1	166.0	.3
Appropriations to date	142.5	.....	.....	.....	.....
Net additional authorizations	1.3	151.2	158.1	166.0	.3
Total estimated outlays	.7	85.8	136.0	157.2	71.2

The costs of this bill fall within function 550.

Basis of estimate: All authorization levels except for data collection are stated in the bill. This bill could require a 20 percent increase in current family planning data collection. CBO estimates additional funding levels of $0.7 million in fiscal year 1986, $1.0 million in fiscal year 1987 and about $0.3 million in each fiscal year thereafter would be needed to fullfill the data collection specifications in the bill. Costs could be higher or lower depending on the actual level of activity undertaken. CBO assumes that all authorized amounts are fully appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates computed by CBO on the basis of recent program data.

6. Estimated cost to State and local government: The budgets of state and local governments would not be affected directly by enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carmela Dyer.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

VIII. Regulatory Impact Statement

The Committee has determined there will be little increase in the regulatory burden and in paperwork imposed by this bill.

IX. Section-by-Section Analysis

Section 1 cites the title of the bill as the "Family Planning Amendments of 1986".

Section 2 designates that this Act is considered to be made to a section or other provision of the Public Health Service Act.

Section 3 amends section 1001(c) to provide authorization for appropriations for $138,800,000, for fiscal year 1986, $145,700,000 for fiscal year 1987, $153,000,000 for fiscal year 1988, and $160,650,000 for fiscal year 1989.

Section 3 develops new section 1001(d) to provide that the total amount of grants made and contracts entered into with private entities in the State in which the research project authorized under section 1010 is conducted, shall not be less than the total amount of grants made and contracts entered into with entities in such State.

Section 4 amends section 1003(a) to authorize the Secretary to make grants to public or nonprofit entities and to enter into contracts with public or private entities and individuals to provide clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators, counselors, and personnel to carry out the family planning services and research programs.

Section 4 also amends section 1003(b) to provide authorization for appropriations for grants and contracts for training for $3,200,000 for fiscal year 1986, $3,400,000 for fiscal year 1987, $3,600,000 for fiscal year 1988, and $3,800,000 for fiscal year 1989.

Section 5 amends section 1004 to provide that the Secretary may conduct, and make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals to conduct research in the biomedical, contraceptive development and evaluation, behavioral, and program implementation fields related to family planning and population, and research to improve the clinical management and direct delivery of family planning services.

Section 6 amends section 1005(a) to authorize the Secretary to make grants to public and nonprofit private entities and enter into contracts with public and private entities to assist in providing information and education regarding human sexuality, pregnancy, and parenthood. Such information shall be made available to all persons desiring them either through appropriate community organizations or through facilities at the Department of Health and

Human Services, with special emphasis on the provision of such information and education to adolescents and parents, and such services shall include information about the availability of family planning methods and services.

Section 6 also amends section 1005(b) to provide authorization for appropriations for grants and contracts for such information and education for $500,000 for fiscal year 1986, $500,000 for fiscal year 1987, $600,000 for fiscal year 1988, and $600,000 for fiscal year 1989.

Section 7 develops new section 1010(a) to provide that the Secretary may select a single State in which to conduct a research project for the purpose of determining the impact of family planning services in a State that has in effect a statute prohibiting the use of public funds for the provision of family planning services to an unmarried minor without prior written consent of the minors parent or guardian.

Section 7 also adds section 1010(b) to provide that the Secretary may, for any fiscal year, make grants to or enter into contracts with public agencies in a State selected for the research project for the provision of family planning services. Activities conducted by public agencies in the State under such grants and contracts shall be carried out in accordance with the State law regarding parental consent. A public agency in a State which desires to receive a grant or contract under this section shall submit an application to the Secretary in a form as the Secretary shall prescribe. Such application shall include assurances satisfactory to the Secretary that: the State statute (prohibiting the use of public funds for the provision of family planning services to an unmarried minor without prior written consent of the minor's parent or guardian) was enacted prior to April 1, 1981; for the fiscal year for which the application is submitted, such State statute shall not be applied to family planning services provided by private agencies; if a public agency of the State makes a grant to or enters into a contract with a private agency for the provision of family planning services, and such grant or contract is funded in whole or in part from amounts received by that agency under this title, the State shall ensure that such private agency meets the same requirements for eligibility for assistance under this title; Federal funds made available under this title to public agencies in the State will be used to supplement and increase the level of public funds available for family planning services, and will in no case be used to supplant such public funds; and, the State shall submit annual reports to the Secretary in such form as the Secretary shall require in order to assess the effectiveness of the financial assistance under this title provided within that State.

Section 7 also adds section 1010(c) to provide that in order to receive a grant or contract under this section, a public entity in a State, and the State, shall comply with all requirements of this title, except as provided in subsections (a) and (b).

Section 7 also adds section 1010(d) to provide that the Secretary is not authorized to make grants to or enter into contracts with a private entity in the State in which the research project is conducted, unless that private entity complies with the requirements established under this title for private entities outside of that State.

Section 7 also adds section 1010(e) to provide that within three years of enactment of this section, the Comptroller General of the United States shall report to the Congress. The report shall: Evaluate the effect of requiring the parent or guardian of an unmarried minor to provide prior written consent for family planning services for such minor, on the reduction of unintended pregnancies in the State in which the research project is conducted; and, compare the rate of unintended adolescent pregnancies in that State with rates of such pregnancies in other States. The Secretary shall provide for the collection of data to assist the Comptroller General in preparing the report.

Section 7 also adds section 1010(f) to provide authorization for appropriations to carry out the research project for $600,000 for each of fiscal years 1986, 1987, 1988, and 1989.

Section 8 amends section 1011(a) to provide that the Secretary shall collect data on an annual basis regarding entities which receive grants and contracts under sections 1001 and 1010. The data shall include the number of individual who receive service, the age, gender, race, and family income of such individuals, and the types of family planning services chosen by those people.

Section 8 also adds section 1011(b) to provide that the Secretary shall collect on an biannual basis data concerning the number of low income individuals, including unemancipated minors, at risk of unintended pregnancies and the source of public and private funding for family planning services in the United States.

Section 8 also adds section 1011(c) to authorize the Secretary to make grants to public and nonprofit entities and enter into contracts with public and private entities and individuals for the collection of data under this section.

Section 9 amends section 1001(a) to provide that such projects may also offer adoption services. Any adoption placement services provided under such projects will be nondiscriminatory as to race, religion, ethnicity, or creed.

X. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law is which no change is proposed is shown in roman):

Public Health Service Act

* * * * * * *

TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

Sec. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and ef-

fective family planning methods and services, (including natural family planning methods, infertility services, and services for adolescents). *Such projects may also offer adoption services. Any adoption placement services provided under such projects shall be nondiscriminatory as to race, religion, ethnicity, or creed.* To the extent practicable, entities which receive grants or contracts under this subsection shall encourage family participation in projects assisted under this subsection.

(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.

[(c) The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

[(d) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; $111,500,000 for the fiscal year ending June 30, 1973; $111,500,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $115,000,000 for fiscal year 1976; $115,000,000 for the fiscal year ending September 30, 1977; $136,400,000 for the fiscal year ending September 30, 1978; $200,000,000 for the fiscal year ending September 30, 1979; $230,000,000 for the fiscal year ending September 30, 1980; $264,500,000 for the fiscal year ending September 30, 1981; $126,510,000 for the fiscal year ending September 30, 1982; $139,200,000 for the fiscal year ending September 30, 1983; $150,030,000 for the fiscal year ending September 30, 1984; and $158,400,000 for the fiscal year ending September 30, 1985.]

(c) For grants and contracts under this section, there are authorized to be appropriated $138,800,000 for fiscal year 1986, $145,700,000 for fiscal year 1987, $153,000,000 for fiscal year 1988, and $160,650,000 for fiscal year 1989.

(d) In any fiscal year, the total amount of grants made and contracts entered into by the Secretary under this section to private entities in the State in which the research project is conducted under section 1010 shall not be less than the total amount of grants made and contracts entered into under section 1010 to public entities in such State.

* * * * * * *

TRAINING GRANTS AND CONTRACTS

[SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

[(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; and $3,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $4,000,000 for fiscal year 1976; $5,000,000 for the fiscal year ending September 30, 1977; $3,000,000 for the fiscal year ending September 30, 1978; $3,100,000 for the fiscal year ending September 30, 1979; $3,600,000 for the fiscal year ending September 30, 1980; $4,100,000 for the fiscal year ending September 30, 1981; $2,920,000 for the fiscal year ending September 30, 1982; $3,200,000 for the fiscal year ending September 30, 1983; $3,500,000 for the fiscal year ending September 30, 1984; and $3,500,000 for the fiscal year ending September 30, 1985.]

SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training for personnel to carry out the family planning services programs described in section 1001 and the research programs described in section 1004.

(b) For grants and contracts under this section, there are authorized to be appropriated $3,200,000 for fiscal year 1986, $3,400,000 for fiscal year 1987, $3,600,000 for fiscal year 1988, and $3,800,000 for fiscal year 1989.

RESEARCH

[SEC. 1004. The Secretary may—

[(1) conduct, and

[(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.]

SEC. 1004. The Secretary may conduct, and make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for the conduct of—

(1) research in the biomedical fields, contraceptive development and evaluation fields, behavioral fields, and program implementation fields related to family planning and population; and

(2) research to improve the clinical management and direct delivery of family planning services.

INFORMATIONAL AND EDUCATIONAL MATERIALS

[SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

[(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $909,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $2,000,000 for fiscal year 1976; $2,500,000 for the fiscal year ending September 30, 1977; $600,000 for the fiscal year ending September 30, 1978; $700,000 for the fiscal year ending September 30, 1979; $805,000 for the fiscal year ending September 30, 1980; $926,000 for the fiscal year ending September 30, 1981; $570,000 for the fiscal year ending September 30, 1982; $600,000 for the fiscal year ending September 30, 1983; $670,000 for the fiscal year ending September 30, 1984; and $700,000 for the fiscal year ending September 30, 1985.]

SEC. 1005. (a) The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities to assist in making available information and education to enable persons to make responsible choices concerning human sexuality, pregnancy, and parenthood. Such information and education shall—

(1) be made available to all persons desiring such information and education either through appropriate community organizations or through facilities at the Department of Health and Human Services, with special emphasis on the provision of such information and education to adolescents and parents; and

(2) include information about the availability of family planning methods and services.

(b) For grants and contracts under this section, there are authorized to be appropriated $500,000 for fiscal year 1986, $500,000 for fiscal year 1987, $600,000 for fiscal year 1988, and $600,000 for fiscal year 1989.

* * * * * * *

RESEARCH PROJECT

SEC. 1010. (a) For the purpose of determining the impact of family planning services in a State that has in effect a statute prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the minor's parent or guardian, the Secretary may select a single State in which to establish a research project meeting the requirements of subsection (b).

(b)(1) Notwithstanding any provision of this title, the Secretary may, for any fiscal year, make grants to or enter into contracts with public agencies in a State described in subsection (a) for the provision of family planning services. Activities conducted by public

agencies in the State under such grants and contracts shall be carried out in accordance with the State statute described in subsection (a).

(2) A public agency in a State described in subsection (d) which desires to receive a grant or contract under this section shall submit an application to the Secretary in accordance with such requirements as the Secretary may prescribe. Such application shall contain assurances satisfactory to the Secretary that—

(A) prior to April 1, 1981, there was enacted in the State a statute described in subsection (a);

(B) for the fiscal year for which the application is submitted, such statute will not be applied to family planning services provided by private agencies;

(C) if a public agency of the State makes a grant to, or enters into a contract with, a private agency for the provision of family planning services, and such grant or contract is funded in whole or in part from amounts received by that agency under this title, the State shall ensure that such private agency meets the same requirements for eligibility for assistance under this title as the Secretary may prescribe for all private agencies assisted under this title;

(D) Federal funds made available under this title to public agencies in the State will be used to supplement and increase the level of public funds expended for family planning services within the State, and will in no case be used to supplant such public funds; and

(E) the State shall submit to the Secretary annual reports in such form as the Secretary shall require in order to assess the effectiveness of the financial assistance under this title provided within that State.

(c) In order to receive a grant or contract under this section, a public entity in a State, and the State, shall comply with all requirements of this title, except as provided in subsections (a) and (b).

(d) This section does not authorize the Secretary to, under this title, make grants to, or enter into contracts with, a private entity in the State in which the research project under this section is conducted, unless that private entity complies with the requirements established under this title for private entities outside of that State which apply to grants and contracts under this title.

(e)(1) Within three years after the date of enactment of this section, the Comptroller General of the United States shall prepare and transmit to the Congresss a report which—

(A) evaluates the effect, on the reduction of the rate of unintended adolescent pregnancies in the State in which the research project is conducted under this section, of requiring the parent or guardian of an unmarried minor to give written consent prior to the provision of family planning service to such minor; and

(B) compares the rate of unintended adolescent pregnancies in that State with rates of such pregnancies in other States.

(2) The Secretary, in consultation with the Comptroller General of the United States, shall provide for the collection of data to assist the Comptroller General in preparing the report required under this subsection.

To carry out this section, there are authorized to be appropriated $600,000 for each of fiscal years 1986, 1987, 1988, and 1989..

DATA COLLECTION

SEC. 1011. (a) The Secretary shall collect on an annual basis data concerning—

(1) the number of individuals who receive family planning services from entities that receive grants and contracts under section 1001 and 1010 and the age, gender, race, and family income of such individuals; and

(2) the types of family planning services chosen by people who receive services from entities which receive grants and contracts under section 1001 and 1010.

(b) The Secretary shall collect on a biannual basis data concerning—

(1) the number of low-income individuals, including unemancipated minors, at risk of unintended pregnancies; and

(2) the sources of public and private funding for family planning services in the United States.

(c) The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of data under this section. The Secretary shall make available to the public information collected under this section.

XI. ADDITIONAL VIEWS

This reauthorization contains a new provision, section 1010, which establishes a research demonstration project to be done by one state to research the effect of parental consent on the provision of family planning services to unmarried minors. Since the state identified in the statute must have had in effect by April 1, 1981, a state law requiring parental consent, the demonstration project is clearly targeted for the state of Utah. While we strongly endorse the reauthorization of the Title X program, we are concerned about this provision.

Our objection to this provision stems from two concerns. The first concern is with the subject of the demonstration project, parental consent. We believe that parental consent conflicts with a basic principal of delivery of Title X services—confidentiality in the provision of services. In the legislative history of the Title X program, this point of view has been reemphasized on a number of occasions. We believe that undermining confidentiality will only undermine an important goal of the family planning program to encourage already sexually active adolescents to avail themselves of its services.

Teenage pregnancy is a pressing national problem that needs to be addressed in a variety of ways. Title X clinics provide services to approximately 600,000 adolescents under age 18 per year. Over 425,000 unintended adolescent pregnancies per year are averted because of the availability of Title X services. Six out of seven teens are sexually active before they seek family planning services. There is little doubt in our minds that parental consent will detract from the current success of the Title X program. Moreover, the evaulation required in this statute of the impact of the demonstration project on parental consent on the incidence of teenage pregnancy in Utah is likely to be methodologically inadequate unless it is a controlled or case-matched study.

Our second concern is that this provision may be misconstrued and utilized improperly in the legal process which has been underway for four years in the state of Utah regarding parental consent and the Title X program. There is evidence that this has already occurred, though without effect. The Attorney General of the state of Utah misrepresented our views in a request for a rehearing to the U.S. Court of Appeals for the Tenth Circuit which was filed soon after S. 881 was voted out of Committee. We cosponsored the original version of S. 881 which did not contain the research provision.

This provision will essentially negate the effect of several federal court decisions on the state of Utah. These decisions have upheld Congress' intent that Title X services be provided to all patients in total confidence and without any mandatory parental notification or consent prior to or after services are provided to minors. In

1981, projects were directed by Congress to "encourage family involvement" in Title X services. In response, the Department of Health and Human Services mandated that Title X projects require notification of parents within 10 days following the provision of Title X services to minors.

In *National Family Planning and Reproductive Health Association* v. *DDHS* and *Planned Parenthood Federation of America* v. *Heckler,* the United States District Court for the District of Columbia ruled in March 1983 that such a requirement was illegal and violated the Title X statutory requirement of confidentiality of services to minors. The U.S. Court of Appeals for the D.C. Circuit upheld that ruling.

In 1981, the State of Utah required parental consent for the provision of family planning services to minors. In *Jane Does 1 through 4* v. *State of Utah Department of Health,* the United States District Court for the District of Utah, Central Division ruled in 1983 that the Utah law violated Congress' intent in Title X and therefore could not apply to Title X funds expended in Utah. The U.S. Court of Appeals for the Tenth Circuit upheld the decision.

The enactment of Utah's parental consent laws was costly for the State. State sponsored clinics offering family planning services forfeited funding in order to adhere to the state law. Non-governmental clinics became the only legitimate grantees under the Title X program.

In December 1985, this Committee approved the reauthorization of Title X (S. 881) with the research/demonstration project added which would make Utah's state-sponsored family planning projects eligible to proceed with parental consent on an investigational basis.

We wish to emphasize that the special Utah provision limits parental consent requirements to one state only for limited time and only for demonstration and research purposes. The funding levels for the project must be in addition to, and not to supplant, current service funds. We have not endorsed the concept of mandatory parental consent, notification or consultation under any other circumstances within Title X. This demonstration project is not to be considered, by the Congress or the courts, as a precedent in this area of policy.

We would like to re-emphasize that the Title X family planning program is an essential preventive health care program designed to ensure that confidential, voluntary family planning services are available to all individuals desiring such services regardless of age, gender or financial status. The research/demonstration provision is a special provision adopted by the Committee under special circumstances to address a special situation.

EDWARD M. KENNEDY.
HOWARD METZENBAUM.
CHRISTOPHER DODD.
JOHN F. KERRY.
CLAIBORNE PELL.
SPARK MATSUNAGA.
PAUL SIMON.

○

Calendar No. 649

99TH CONGRESS
2d Session

SENATE

REPORT
99-298

ADOLESCENT FAMILY LIFE ACT OF 1986

MAY 13 (legislative day, MAY 12), 1986.—Ordered to be printed

Mr. HATCH, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 1566]

[Including cost estimate of the Congressional Budget Office]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1566) to extend the Adolescent Family Life Demonstration Program for three years, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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I. SUMMARY OF THE BILL

S. 1566, as amended, extends the authorization of appropriations of the Adolescent Family Life demonstration program through fiscal year ending September 30, 1988. The authorization levels are $15,000,000 for fiscal year 1986; $16,000,000 for fiscal year 1987; and 17,000,000 for fiscal year 1988.

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II. Background and Need for Legislation

The gravity of the teenage pregnancy problem can be demonstrated by the following statistics: In 1982 an estimated 1,100,000 teenagers became pregnant and more than 500,000 teenagers carried their babies to term. Although teen birth rates have remained roughly constant or fallen over time, many more of these births are out of wedlock than in earlier times. Today, 90 percent of all births to girls under 15, 70 percent of all births to girls 15–17, and 45 percent of all births to girls 18–19 are out of wedlock. It is estimated, that approximately 70 percent of unmarried teenagers who carry their pregnancies to term, live with their families before and during their pregnancy and more than a third are still residing with the parents five years later. It is also estimated that pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in adverse health, social, and economic consequences. These consequences include: a higher percentage of pregnancy and childbirth complications; a higher incidence of low birth weight babies; a higher infant mortality and morbidity; a greater likelihood that an adolescent marriage will end in divorce; a decreased likelihood of completing schooling; higher risks of unemployment and welfare dependency. Therefore education, training, and job research services are important for adolescent parents. At present, approximately four percent of unmarried pregnant adolescents who carry their babies to term place their child for adoption or arrange for their babies to be cared for by relatives or friends.

The Adolescent Family Life Program was enacted as Subtitle G of Title IX of the Omnibus Budget Reconciliation Act of 1981 and incorporated as Title XX of the Public Health Service Act. It is currently authorized through fiscal year 1985. This program was initiated as an addition to the Adolescent Pregnancy Program which pioneered the approach of providing specialized services to pregnant adolescents and adolescent parents under the authority of Titles VI, VII, and VIII of the Health Services and Centers Amendments of 1978 Public Law 95–626).

This earlier program, the Adolescent Pregnancy Program was the first Federal program designed to deal specifically with teenage pregnancy and was aimed at alleviating the negative consequences of pregnancy for adolescents and their children. The program authorized grants to public agencies and private nonprofit organizations to provide services to pregnant adolescents and adolescent parents. It also mandated certain interagency coordination and reporting functions. The Adolescent Pregnancy Program was consolidated in the Maternal and Child Health Block Grant (under Subtitle D of Title XXI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97–35, which was incorporated as Title V of the Social Security Act), and the specific authorization for the Adolescent Pregnancy Program was repealed.

The Adolescent Family Life Program, which was built on the experiences gained in providing specialized services to pregnant adolescents and adolescent parents under the Adolescent Pregnancy Program, provides services to address the underlying problems of premarital teenage sexual relations. Although the program does

not fund a direct service delivery system, it does fund service demonstration projects, which elicit a variety of innovative approaches for care and prevention services. Through careful evaluation, projects may be identified and recommended as models for use by State and local providers to help reverse the incidence of pregnancy among teenagers. The program addresses the growing problem of teenage premarital sexual relations and pregnancy with an integrated family approach that reflects the sensitive and private nature of these problems.

Any adolescent is eligible for prevention services. These include: educational services relating to family life and problems associated with adolescent premarital sexual relations, outreach services to families of adolescents to help them discourage sexual relations among unemancipated minors, and other services such as pregnancy testing, nutrition counseling and transportation. Under the Adolescent Family Life Program, grantees are only allowed to provide family planning services to adolescents who are already pregnant and to parents if family planning services are not otherwise available in the community.

The Adolescent Family Life Program, which is administered by the Office of Adolescent Pregnancy Programs, Public Health Service, also awards demonstration grants to provide care services for pregnant adolescents and adolescent parents. These services include: referrals to pediatric care or maternity homes, educational and vocational services, child care, homemaking education and adoption services.

The program promotes adoption as a positive alternative for pregnant adolescents who are unwilling or unable to care for their child. Adoption is a means of providing permanent families for such children who become legally free for adoption. The program requires both prevention and care projects to provide information about adoption and to establish formal linkages with adoption agencies and residential maternity homes.

The Adolescent Family Life Program also funds research projects concerning the causes and consequences of adolescent sexual activity, pregnancy, parenthood, and services to alleviate any negative consequences thereof. As an example, many Adolescent Family Life grantees utilize curriculum developed by the Community of Caring which is intended to "help pregnant adolescents have a successful pregnancy, give birth to a healthy baby, learn to become a loving parent, take responsibility for education and vocation and affirm ethical values in sexuality and family life."

The Adolescent Family Life Program emphasizes the involvement of parents with their children. In most cases, parental permission is required before providing services other than pregnancy testing and veneral disease screening to unemancipated adolescent clients.

To assist pregnant adolescents identify options as an alternative to abortion, the demonstration projects are prohibited from making referrals for abortion counseling or services or offering, advocating, or promoting abortion or subcontracting with an entity that does so. However, if both an adolescent and her parents or guardians request information on abortion, a referral for abortion counseling may be provided. The demonstration projects are 70 percent feder-

ally funded the first year, with a decreasing federal share thereafter.

At least two thirds of the total appropriations in any given year must be spent on services, with no more than one-third of this amount to be spent on research. In addition, each demonstration project grantee is to spend between 1 and 5 percent (unless a waiver of the required percentage amount is obtained) of the amount received to evaluate the service program.

In fiscal year 1983 (using fiscal year 1982 appropriations), the Adolescent Family Life Program funded 50 demonstration grants and 12 research grants; in fiscal year 1984 (using fiscal year 1983 appropriations), 59 demonstration grants (49 continuations) and 16 research grants (11 continuations); in fiscal year 1985 (using fiscal year 1984 appropriations) 79 demonstration grants (62 continuations) and 15 research grants were awarded. The demonstration projects are 3 to 5 year model programs and most are in their fourth year of operation. They are located in different geographic regions of the U.S. and represent different service delivery models.

III. History of Legislation

S. 1566 was introduced August 1, 1985, by Senators Denton and Hatch and referred to the full Senate Committee on Labor and Human Resources.

IV. Committee Views

The Committee supports a straightforward continuation of the Adolescent Family Life Act without changes so that the previously established goals can be fairly evaluated as to their effectiveness. The projects are relatively new and the law allows the demonstrations to be funded for up to five years. Adolescent Family Life's evaluation component has been strengthened to improve data collection and analysis of individual project data. With the extension of the law for three more years, the Committee will have evaluation reports and valid results from which to judge how well the new approaches have worked and to what extent the programs have become an integral part of the local community's array of services to adolescents.

The Committee recognizes that one of the primary goals of this program is the postponement of adolescent premarital sexual activity. Through this program important services are also being provided to pregnant and parenting teenagers in need, as well as to nonpregnant adolescents. The Primary Prevention Program reaches out to adolescents by assisting parents, schools, youth agencies, and health providers to educate adolescents and pre-adolescents concerning self discipline and responsibility in human sexuality. Adoption counseling and referral services present adoption as a positive alternative to abortion. Prenatal and postnatal care and educational and vocational training are among the other services provided by the Adolescent Family Life Program. These services are made easily accessible for pregnant teenagers and adolescent parents and act to strengthen the bond between parent and child to support the family unit.

The Committee notes that important research is being conducted through the Adolescent Family Life Program. Although it is clear that the causes of early sexual activity are complex and that there is no simple solution to the problem, strengthening family ties and promoting family communication about sexual activity is likely to contribute to its postponement until after marriage. The Committee thus believes it is important that the Adolescent Family Life projects promote basic societal and family values which include strong family unity. The Committee recognizes the adverse effects on the physical and mental health, that may result from teenage pregnancy.

In addition, the Adolescent Family Life Program provides counseling and referral services for pregnant adolescents. The Committee applauds the promotion of adoption as an important and often underemphasized alternative for the pregnant adolescent.

S. 1566 authorizes appropriations for $15,000,000 for fiscal year 1986; $16,000,000 for fiscal year 1987; $17,000,000 for fiscal year 1988: The Committee intends that these programs be funded at their full authorization level. It is the intent of the Committee that projects be funded in every state.

The Committee expects the Department of Health and Human Services to provide the Committee on Labor and Human Resources with an evaluation of the effectiveness of the Adolescent Family Life Program as soon as practicable.

V. Tabulation of Votes Cast in Committee

In Executive Session of the Committee on Labor and Human Resources on Wednesday, December 11, 1985, S. 1566 as amended, passed unanimously.

VI. Cost Estimate

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JANUARY 29, 1986

1. Bill number: S. 1566.
2. Bill title: None.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on November 19, 1985.
4. Bill purpose: To extend the Adolescent Family Life Demonstration Program for three years.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Estimated authorization level	15.0	16.0	17.0	.....	.....
Appropriations to date	14.9	.....	.....	.....	.....
Net additional authorizations	0.1	16.0	17.0	.....	.....
Estimated outlays	0.1	9.1	13.1	6.3	3.6

The costs of this bill fall within function 550.

Basis of Estimate

All authorization levels are stated in the bill. CBO assumes that all stated authorized amounts are fully appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates computed by CBO on the basis of recent program data.

6. Estimated cost to State and local government: Federal funding for demonstration projects may last up to five years. Grantees must provide cash or in kind non-Federal contributions equal to 30 percent of project costs in the first and second year, increasing to 60 percent in the fifth year. Some of these non-Federal contributions could come from state and local governments.

7. Estimate comparison: CBO prepared an estimate on January 28, 1986 which showed an estimated authorization level of $15 million for this bill in fiscal year 1986. Appropriations of $14.9 have already been provided for this activity in 1986. This estimate reflects the net additional authorization for 1986 provided in this bill.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carmela Dyer.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

VII. Regulatory Impact Statement

The Committee has determined there will be little increase in the regulatory burden and in paperwork imposed by this bill.

VIII. Section-by-Section Analysis

Section 2010(a) of the Public Health Services Act is amended to extend the authorization for the Adolescent Family Life Demonstration Program through fiscal year 1988 and to authorize $15,000,000 appropriations for fiscal year 1986, $16,000,000 appropriations for fiscal year 1987 and $17,000,000 appropriations for fiscal year 1988.

IX. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Health Service Act

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TITLE XX—ADOLESCENT FAMILY LIFE DEMONSTRATION PROJECTS

FINDINGS AND PURPOSES

Secs. 2001-2009 * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 2010. (a) For the purpose of carrying out this title, there are authorized to be appropriated $30,000,000 for the fiscal year ending September 30, 1982, $30,000,000 for the fiscal year ending September 30, 1983, $30,000,000 for the fiscal year ending September 30, 1984, [and] $30,000,000 for the fiscal year ending September 30, 1985, *$15,000,000 for the fiscal year ending September 30, 1986, $16,000,000 for the fiscal year ending September 30, 1987, and $17,000,000 for the fiscal year ending September 30, 1988.*

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